

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOCELYN HEMPHILL,
Plaintiff,

CIVIL ACTION

v.

**NATIONSTAR MORTGAGE LLC;
EVERBANK; and MILSTEAD &
ASSOCIATES, LLC,**
Defendants.

NO. 18-2451

ORDER

AND NOW, this 10th day of October, 2018, upon consideration of Milstead & Associates, LLC's Motion to Dismiss (ECF No. 6), Everbank and Nationstar Mortgage, LLC's Motion to Dismiss and Motion to Strike (ECF No. 9) and Plaintiff's Responses thereto (ECF Nos. 11 and 15), **IT IS ORDERED** that the Motions are **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Everbank and Nationstar's Motion to Dismiss Count Four (Breach of Contract) and Count Six (Pa. Act 6) is **GRANTED**. Counts Four and Six are **DISMISSED WITHOUT PREJUDICE**.
- (2) Defendants' Motions to Dismiss Count One (FDCPA), Count Two (FDCPA), Count Three (UTCPL) and Count Five (Constructive Fraud) are **DENIED**.
- (3) Everbank and Nationstar's Motion to Strike is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.